IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.594 OF 2003
IN
SUMMARY SUIT NO.1788 OF 2002

M/s.Chhabilas Vallabhdas Desai Plaintiff

versus

Harshad Natwarlal Mehta Defendant

Farhan Dubhash and Ms.J.N.Surati i/by Gagrat & Co. for plaintiff

None for defendant

CORAM : S.C.DHARMADHIKARI, J.

DATE : 27th June 2005

PC :

1. Heard Mr.Dubhash for the plaintiff. Mr.Dubhash states that on the defendant filing appearance in the summary suit, a summons for judgement taken out and duly served on advocate appearing for defendant. The defendant's advocate filed an affidavit in reply and applied for leave to defend the suit. Upon an affidavit in rejoinder being filed, the summons for judgement was placed before Justice Karnik on 15th March 2005. The learned Judge after hearing parties passed an order granting conditional

leave to the defendant on his depositing a sum of Rs.60,000/- within a period of four weeks. Mr.Dubhash points out that more than four weeks have lapsed but neither the amount is deposited nor the defendant has applied for extension of time to deposit the same. In fact, the matter was carried in appeal but the appeal was also dismissed.

2. In the light of aforesaid, the plaintiff is entitled to a judgement in his favour. There shall be a decree as prayed. Non Deposit Certificate taken on record and marked "X" for identification. Original documents along with list are marked "X-1". Refund of court fee and computation of advocate’s costs as per rules.

(S.C.DHARMADHIKARI, J.)